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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,612	12/30/2005	Franz Laermer	10191/3964	6739
26646                      7590                      11/06/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
ANGADI, MAKI A				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
11/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,612

**Applicant(s)**

LAERMER ET AL.

**Examiner**

MAKI A. ANGADI

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25-26, 28-31 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25-26, 28-31 and 34-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/17/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 21-23, 25-26, 29-30, 37 and 40 rejected under 103(a) as being unpatentable over Bhardwaj (US Patent No. 6, 051,503) in view of Sadakata (US Patent No. 6, 277,173), Mori (US Patent No. 5,310,426) and Applicants' Admitted Prior Art (APA)

***As to claims 21-23, 29-30 and 40***, Bharadwaj discloses a method and a system that reads on the process of anisotropically etching structures (col.1, lines

9-13) into a substrate (col.3, lines 58)(Fig.1) positioned in an etching chamber (col.3, lines 36-37) in particular structures using an etching mask (col.3, lines 58-59) in a semiconductor substrate, using a plasma (col.3, lines 43-45), the intermittent use of passivation and etching gas cycles in the plasma chamber (col.2, lines 5-9, col.3, lines 31-33); providing the etching chamber at least intermittently with an etching gas and passivation gas (col.1, lines 41-48, col.2, lines 5-8, col.3, lines 31-33), wherein the passivation gas is supplied to the etching chamber in cycles each having a time period less than 7.5 seconds and preferably less than 5 seconds (col.10, lines 19-22) which covers the range cited by the applicant; passivation gas used during each of the individual passivation steps is reduced one of continuously and in steps as etching progresses (col.2, lines 28-33); passivation gas lines provided upstream/downstream from the etching chamber and gas valves are the inherent part of any reactor system (Fig.1) (col.51-55).

Bharadwaj discloses a method that reads on the process of permitting the etching gas and passivation gas (col.1, lines 41-44, col.3, lines 51-55) used alternately during separate etching steps and passivation steps (col.4, lines 3-7) which are controlled independently on one another (col.2, lines 9-23), passivation gas being supplied to the etching chamber largely only during the passivation gas steps (col.6, lines 51-59), the etching gas being supplied to the etching chamber (10) (Fig.1) during the etching steps (col.6 lines 60-67).

Bharadwaj discloses the duration of passivation step and etching step limited to less than 7.5 second (col.10, lines 19-22), which do not differ by a factor of about 10-30. According to Applicants' APA on page 1 (lines 21-25) of the specification, passivation gas steps of 3-5 seconds each and etching steps of 10-12 seconds each alternate with one another are typical values used in the inductively coupled plasma source for high-rate plasma etching of silicon. Therefore, the duration of the passivation and etching steps are dependent on several factors such as etching gas, plasma power density, and the thickness of the polymer layer which are experimental variables that can be optimized depending on the desired outcome for an anisotropic etching of structures. One who is skilled in the art at the time of invention was made would be motivated to optimize through routine experimentation of etching conditions because Bharadwaj illustrates that duration of etch and/or deposition steps may be controlled to reduce surface roughness (col.2, lines 24-26). See MPEP § 2144.05 II.

Bharadwaj discloses etching and passivation gas being supplied to the etching chamber alternately during separate, independently controlled etching and passivation steps, and wherein a region of the etching chamber where the plasma source acts on the etching gas is substantially free of the passivation gas during the etching steps and the plasma source acts on the passivation gas is substantially free of the etching as during the passivation steps(col.3, lines, 38-43, lines 51-57, col.3, lines 62-67, col.4, lines 17-24, col.2, lines 10-23, col.7,

lines 17-31); passivation and etching gas lines connect directly into the etching chamber (col.3, lines 51-57). Bharadwaj does not specify the common feed line has a length of less than 20 cm and feed line into the etching chamber. One who is skill in the art at the time would be able to adjust the length of the feed line so that the reactor chamber is not loaded during pumping of the system.

Bharadwaj is silent about the use of buffer tank located along the passivation gas line. However, Sadakata discloses the presence of buffer tank (26)(Fig.2) for a dry etching system (col.4, lines 51-55) and gas valve located down stream from the buffer tank and upstream from the etching chamber (col.6, lines 46-53, Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select buffer tank and passivation gas valves in the plasma processing system employed by Bharadwaj because Sadakata illustrates that buffer tank and gas valves help to regulate the concentration of gas into the process chamber during etching (col.6, lines 47-54).

Sadakata discloses the presence of buffer tank (26) (Fig.2) but does not explicitly demonstrate that the process gas to the etching chamber passes through the passivation gas line and the buffer tank. However, Mori discloses the presence of buffer tank and the reactant gas passing through the buffer tank to the reaction chamber (Fig.4) (col.7, lines 14-46). Therefore, one who is skilled in the art at the time of the invention was made should be able to select the location of buffer tank in the process employed by Sadakata because Mori illustrates in

Fig.4 that the buffer tank having sufficient volume with respect to the reaction chamber helps to stabilize the flow of gases into the chamber (col.7, lines 39-46).

**As to claim 25**, Bharadwaj discloses the passivation gas such as,  $C_2H_2F_4$ ,  $C_3F_8$  and  $C_4F_8$  as passivation gases (col.4, 18-24 and lines 51-67). In addition, applicants' APA provides a list of etching and passivation gases (pages 9-19).

**As to claim 26**, Bharadwaj discloses a method that reads on the process of permitting the etching gas (col.2, lines 27-32) and passivation gas (col.2, lines 33-37) used alternately during separate etching steps and passivation steps (col.1, lines 42-45), a polymer, (col.5, lines 38-40), being applied to the lateral delimitation of the structures defined by the etching gas, with the aid of the passivation gas during the passivation steps (col.5, lines 43-48).

**As to claims 31**, Bharadwaj discloses a vacuum chamber (11) (Fig.1) with etching and passivation gas being supplied to the etching chamber alternately during separate, independently controlled etching and passivation steps, and wherein a region of the etching chamber where the plasma source acts on the etching gas is substantially free of the passivation gas during the etching steps and the plasma source acts on the passivation gas is substantially free of the etching as during the passivation steps (col.3, lines 38-43, lines 51-57, col.3, lines 62-67, col.4, lines 17-24, col.2, lines 10-23, col.7, lines 17-31); passivation and etching gas lines connect directly into the etching chamber (col.3, lines 51-57).

**As to claim 37**, Bharwdaj fails to disclose the volume of buffer tank outside the plasma process chamber. However, Sadakata discloses the presence of buffer tank outside the chamber (col.4, 51-55) but is silent about its volume. The volume of the buffer tank in the plasma etch system is dependent on several process parameters such as, gas flow rate, number of gases being used and etch rate and the volume of the process chamber which one who is skilled in the art would be able to optimize through routine experimentation because Sadakata suggests that the surplus gas produced from the recovered gas needs to be stored in the buffer tank or part of part of the recovered surplus gas can be used as gas for starting the gas discharging system (col.5, lines 10-15). See MPEP § 2144.05 II.

### **Claim Rejections - 35 USC § 103**

2. Claim 28 is rejected under 103(a) as being unpatentable over Bhardwaj (US Patent No. 6, 051,503) in view of Sadakata (US Patent No. 6, 277,173), Mori (US Patent No. 5,310,426) and Applicants' Admitted Prior Art (APA) s applied to claims 21 and 23, in further view of Hwang (US Pub.No. 2003/0059720).

Bhardwaj discloses high-density plasma with ion energy >100 eV (col.3, lines 43-50, col.5, lines 20-24, lines 51-52). Moreover, Bhardwaj is silent about the ion density of the plasma. However, Hwang discloses the use of ion density in the plasma in excess of  $10^{11}$  reactive species/cm<sup>3</sup> (paragraph 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made employ high density plasma in the etching process



employed by Bhardwaj because Hwang illustrates that high density plasma chamber possesses a separate control for ion flux and separate control for ion energy (paragraph 0095).

### **Claim Rejections - 35 USC § 103**

3. Claim 34-36 and 41-42 rejected under 103(a) as being unpatentable over Bhardwaj (US Patent No. 6, 051,503) in view of Sadakata (US Patent No. 6, 277,173), Mori (US Patent No. 5,310,426) and Applicants' Admitted Prior Art (APA) as applied to claim 30, in further view of Papasouliotis (US Patent No. 6, 846,745).

**As to claim 34**, Bhardwaj is silent about the separate use of etching and passivation gas into the chamber and mixing of these gases. However, Papasouliotis discloses the use of a fluorine-containing species for etching and hydrogen-containing species as a process gas into the process chamber (Fig.3) (col.2, lines 40-47). Papasouliotis discloses the mixing of etching and passivating gases through a valve or primary gas ring (col.12, lines 49-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select passivation gas and etching gas and mixing these gases through a common valve in the process chamber described by Bhardwaj because Papasouliotis illustrates that by separately employing a fluorine etch and a hydrogen passivation cycles, dielectric deposition is greatly improved (col.3, lines 55-60).

**As to claims 35-36 and 41-42**, Bhardwaj is silent about the positioning of the etching gas valve and passivating gas valve in the etching system. However, Papasouliotis discloses the use of passivating and etching gas valves in the system but do not expressly state their position. The position of gas valves can be varied depending on the etch rate, concentration of gases, flow rate and other experimental conditions. One who is skilled in the art at the time the invention was made to select the position of valve with respect to the chamber for achieving the desired efficiency and productivity of the system.

***Claim Rejections - 35 USC § 103***

4. Claims 38-39 rejected under 103(a) as being unpatentable over Bhardwaj (US Patent No. 6, 051,503) in view of Sadakata (US Patent No. 6, 277,173), Mori (US Patent No. 5,310,426) and Applicants' Admitted Prior Art (APA) as applied to claim 30, in further view of Hartig (US Patent No. 5, 683,548).

Bhardwaj discloses a reactor chamber surrounded by a coil and fed by a RF source (col.3, lines 43-44) but is silent about the use of inductively coupled plasma. However, Hartig discloses an inductively coupled plasma reactor and a process to generate plasma for etching or depositing a material layer (col.2, lines 14-18) which is powered by an RF power supply system (18) to RF coils (54, 56) in the plasma source (16) in the range of about 100 to about 5000 watts applied to the substrate (col.7, lines 18-24). Hartig discloses the presence of at least two coils (54, 56, Fig.5) (col.4, lines 48-63), one above the other, the two coils with

current flowing in opposite direction with at least two coils provided between the plasma and the substrate (Fig.1-2 col.4, lines 48-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select inductively plasma source and reactor with at least two coils in the chamber employed by Bhardwaj because Hartig illustrates that inductively coupled plasma reactor provides a plasma density and composition than can be spatially varied within the plasma reactor (col.3, lines 7-11). Hartig does not specify the internal diameter of the etching chamber, which can be varied, depending on the spatial uniformity of the plasma. One who is skilled in the art, according to Hartig, would choose chamber designs and vacuum port arrangements to meet plasma process conditions (col.4, lines 2-6).

#### ***Response to Arguments***

5. Applicant's arguments filed on 9/17/2009 have been fully considered but they are not persuasive.

*With respect to claim 21*, applicants' arguments on pages 2-3 of the reply asserting that the combined reference of Bhardwaj, Sadakata and Mori fails to disclose the presence of buffer tank along the passivation gas line upstream are not convincing. Sadakata disclose the presence of buffer tank (Fig.5) and Mori discloses the presence of buffer tank along the passivation gas line in Fig.2-3. The use of buffer tank in the plasma etching apparatus is well known in the prior art and any changes in its location in the plasma etching system is not considered inventive. One who is skilled in the art should be able to position the

buffer tank along the upstream/downstream from etching chamber to achieve the anisotropic etching of structures (see arguments on page 3 above). The motivation to combine the above prior art is outlined in the office action is presented above on pages 2-5.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maki A. Angadi whose telephone number is 571-272-8213. The examiner can normally be reached on 8 AM to 4.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on 571-272-1465. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maki A Angadi/  
Examiner, Art Unit 1792

/Nadine G Norton/  
Supervisory Patent Examiner, Art Unit 1792